

DLD-106

January 17, 2008

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 07-4704

IN RE: GEOVANI DAVILA

Present: BARRY, CHAGARES and COWEN, Circuit Judges

Submitted is petitioner's application pursuant to 28 U.S.C. § 2244 and § 2255 to file a second or successive motion under 28 U.S.C. § 2255 in the above-captioned case.

Respectfully,

Clerk

MMW/DNH/lml/zm

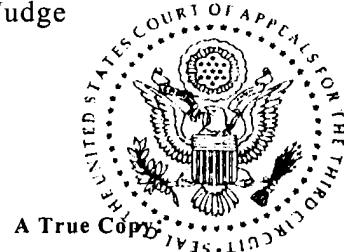
O R D E R

The foregoing application to file a second or successive motion for relief under 28 U.S.C. § 2255 is denied. Petitioner makes no showing that a claim in his application rests on a new rule of constitutional law made retroactive to cases on collateral review by the Supreme Court, or on newly discovered evidence sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found him guilty. See 28 U.S.C. §§ 2244, 2255 ¶ 8.

By the Court,

/s/ Maryanne Trump Barry
Circuit Judge

Dated: January 28, 2008
LML/cc: Mr. Geovani Davila
US Atty Harrisburg



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk